

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1649

GENEVIEVE HANSEN

Examiner: O. Zaghmout

APPLICATION NO: TBA

FILED: DECEMBER 19, 2000

FOR: PLANT TRANSFORMATION METHODS UNDER CONDITIONS
THAT INHIBIT AGROBACTERIUM INDUCED NECROSISAssistant Commissioner for Patents
Washington, D.C. 20231PRELIMINARY AMENDMENT

Sir:

In the claims:

Please add the following new claims:

- 14. A method for transforming a plant cell or tissue with a gene construct, which comprises delivering to or expressing in said plant cell or tissue a nucleotide sequence comprising
- (a) an antisense sequence to a gene encoding a necrosis associated enzyme or necrosis regulatory protein, or
 - (b) a coding sequence of a protein which inhibits apoptosis or suppresses plant disease response,
- before, during or after co-cultivating with *Agrobacterium*, wherein the delivery or expression of said nucleotide sequence inhibits *Agrobacterium* induced necrosis in said plant cell or tissue and said *Agrobacterium* comprises a vector comprising said gene construct.
14. The method according to claim 14, wherein said nucleotide sequence comprises an antisense sequence to a gene encoding a protease, kinase or phosphatase.
15. The method according to claim 14, wherein said nucleotide sequence comprises coding sequence of a bcl-1 p35, iap, nahG, dad-1 or mlo gene.
16. A method for producing a fertile transgenic plant, which comprises:
- (a) transforming a plant cell or tissue comprising delivering to or expressing in said plant cell or tissue a nucleotide sequence comprising
 - (i) an antisense sequence to a gene encoding a necrosis associated enzyme or necrosis regulatory protein, or